

Message Text

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ACTION EB-11

INFO OCT-01 EUR-25 ADP-00 CAB-09 CIAE-00 COME-00 DODE-00

INR-10 NSAE-00 RSC-01 FAA-00 L-03 TRSE-00 SS-15 NSC-10

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R 181916 Z MAY 73

FM AMCONSUL HAMILTON

TO SECSTATE WASHDC 1257

C O N F I D E N T I A L LIMITED OFFICIAL USE HAMILTON 151

E. O. 11652: N/A

TAGS: ETRD, BD

SUBJ: CIVAIR PRECLEARANCE

REF: STATE 091647 AND 093734

1. FOLLOWING ARE GOB COMMENTS AND SUGGESTED REVISIONS OF DRAFT MEMO OF UNDERSTANDING TRANSMITTED TO HAMILTON BY REFTEL1.
2. PREAMBLE: NO CHANGES
3. UNDER THE GOB SHALL- PARA 1 (A) NO CHANGE. PARA 1 (B) AMEND TO READ: PROVIDE THE FACILITIES AS MUTUALLY AGREED UPON AND ANNEXED TO THIS MEMORANDUM.... PARA 1 (C) AMEND TO

PAGE TWO RUEBBRA1296 C O N F I D E N T I A L LIMITED OFFICIAL USE
READ: PERMIT THE INSTALLATION AND OPERATION OF SUCH COMMUNICATIONS AND OTHER MODERN INSPECTION AIDS AS REQUIRED BY THE US DEPARTMENT OF TREASURY. AMEND PARA 1 (D): DELETE (I) (II) AND REPLACE WITH: ANYTHING THE POSSESSION OF WHICH IS PROHIBITED UNDER THE LAW OF BERMUDA. ALSO DELETE " THAT ARE PROHIBITED FROM ENTRY INTO THE U. S." AND REPLACE WITH " THE POSSESSION OF WHICH IS PROHIBITED UNDER THE LAW OF BERMUDA. COMMENT- THE WORDING OF PARA 1 (D) IS BASED
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ON THE GOB ATTORNEY GENERAL' S OPINION THAT THE GOB CANNOT COVER LAW ENFORCEMENT ASSISTANCE IN CONNECTION WITH SOMETHING WHICH IS NOT AN OFFENCE AGAINST THE LAW OF BERMUDA WITHOUT CONTRAVENING THE BERMUDA CONSTITUTION.

PARA 1 (E): IN THE OPINION OF THE GOB ATTORNEY GENERAL QUOTE ITEM (E) OF THE PROPOSED RESPONSIBILITIES OF THE GOVERNMENT OF BERMUDA MUST COME OUT BECAUSE IT FLIES IN THE FACE OF SECTION 13 OF THE CONSTITUTION OF BERMUDA (PROTECTION FROM DEPRIVATION OF PROPERTY) END QUOTE.

PARA 1 (F): ADD AFTER THIRD WORD " UNITED STATES CITIZEN" AND ADD TO END OF PARA " AS GIVEN EFFECT IN THE CONSULAR RELATIONS

PAGE THREE RUEBBRA1296 C O N F I D E N T I A L LIMITED OFFICIAL USE ACT, 1971 OF THE GOVERNMENT OF BERMUDA.

4. UNDER " THE GOVERNMENT OF THE UNITED STATES OF AMERICA SHALL"- PARA 2 (A): NO CHANGE. PARA 2 (B): WHILE GOB CANNOT TAKE EXCEPTION TO OPERATIONAL REQUIREMENTS OF CUSTOMS FOR RIGHT TO REQUIRE POST CLEARANCE ON ARRIVAL IN THE UNITED STATES, THE GOB WOULD HOPE THAT WHEN POSSIBLE SUFFICIENT ADVANCE WARNING BE GIVEN ON PROCEDURE CHANGE.
 5. NO CHANGES IN RPOVISIONS PARAS 3 AND 4 REFTL1.
 6. GOB PREPARED DISCUSS FACILITY ANNEX AND FACILITIES PLAN WITH APPROPRIATE OFFICIALS IN WASHINGTON. HOWEVER THERE IS NOW CONSIDERABLE AREA DISAGREEMENT BETWEEN CUSTOMS FACILITIES PLAN AND GOB PROPOSAL.
 5. FULL CHANGE DRAFT MEMO BEING FORWARDED INTERNATIONAL MAIL TO ORTMAN.
- MCCUE

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*** Current Classification *** CONFIDENTIAL

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